

FILED

AUG 12 2010

John H. Clark
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

DALE W. WESTHOFF,
Plaintiff

CIV 10-4104

vs.

COMPLAINT

ROBERT DOOLEY, et alia,
Co-Defendant.

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes () No ()

B. If your answer to "A" is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs Dale W. Westhoff

Defendants Robert Dooley, et alia

2. Court (if federal court, name the district; if state court, name the county)

MINNEHAHA COUNTY CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

3. Docket number CIV NO. 10-2476

4. Name of Judge to whom case was assigned BRADLEY G. ZELL

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) Plaintiff was denied access to the Court as he is not able to pay filing fees.

6. Approximate date of filing lawsuit June 21, 2010

7. Approximate date of disposition June 22, 2010

(l)

II. PLACE OF PRESENT CONFINEMENT Mike Durfee State Prison

A. Is there a prisoner grievance procedure in this institution? Yes (X) No ()

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes () No (X)

C. If your answer is yes,

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is no, explain why not: The issues in this suit are facts of Law not administrative decisions.

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No ()

F. If you answer is yes,

1. What steps did you take? _____

2. What was the result? _____

III. PARTIES

In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff Dale W. Westhoff
Address Mike Durfee State Prison, 1412 Wood Street, Springfield, SD 57062

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

B. Name of Defendant Robert Dooley, et alia who is employed as
Warden at Mike Durfee State Prison
(2)

C. Additional Defendants see original Complaint Section II., Co-Defendants Status on page 1 & 2.

IV. STATE OF CLAIM

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet(s) if necessary.

See original Complaint Section III., Facts of Complaint, page 2, and Section IV., Argument of Complaint, pages 3 & 4.

Due to the Minnehaha County Circuit Court denying me due Process of Law, I have attached to this suit a Bill of Particulars to disclose the true Nature and Cause of this Court on my Original Conviction as well as my prior Civil suit Docketed as Civ. No. 10-2476.

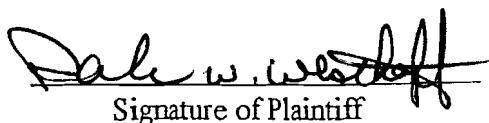
V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

See original Complaint IV Demand For Constitutional Remedy, page 5 & 6 and Section V Remedy for Damages and Relief page 6 & 7.

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signed and executed this 10 day of August, 2010 Received and executed this


Signature of Plaintiff

(9/96)

(3)